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# LETTER DATED 13 JANUARY 1997 FROM THE PERMANENT REPRESENTATIVE OF CROATIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Upon instructions from my Government, I have the honour to submit to you herewith a copy of the letter from the Government of the Republic of Croatia on the completion of the peaceful reintegration of the region under the Transitional Administration, Republic of Croatia. The letter is signed by the Deputy Prime Minister, Mr. Ivica Kostović, who is responsible for the reintegration policy in the Government.

May I request your kind assistance in circulating the present letter and its annex as a document of the Security Council.

(Signed) Mario NOBILO
Permanent Representative

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## Annex

## Letter from the Government of the Republic of Croatia on the completion of the peaceful reintegration of the region under the Transitional Administration, Republic of Croatia

1. Elections in the region under the Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES) will be held on 16 March 1997, pursuant to the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium (S/1995/951, annex), signed on 12 November 1995, under the authority of the Transitional Administrator, and according to procedures defined in the laws of the Republic of Croatia. Full opportunity shall be provided by the Government of Croatia to all persons eligible to vote in elections for local bodies of authority in the region to appear correctly on the voters' lists for and participate fully in these elections. Elections for local bodies of authority in other areas of the Republic of Croatia will be held on the same date.

Local bodies of authority in parts of Osijek-Baranja and Vukovar-Srijem counties, which are under the Transitional Administration, will be established, in accordance with the electoral results certified by the Transitional Administrator, and pursuant to the Constitution and laws of the Republic of Croatia, and paragraph 11 of Security Council resolution 1037 (1996), within the lawfully prescribed term but not later than 30 days after the elections.

2. Members of the local Serb ethnic community, as well as all other Croatian citizens, are eligible for local elections if they were resident ("prebivalište") at the time of the 1991 census, in parts of Osijek-Baranja and Vukovar-Srijem counties currently under the Transitional Administration. Possession of Croatian citizenship/identity documents (domovnica/osobna iskaznica) is an essential prerequisite for participation in the elections.

3. Pursuant to the Basic Agreement of 12 November 1995, Croatian citizens who are members of the Serb ethnic community, settled into the area prior to the beginning of the UNTAES mandate and are currently living in the area under the Transitional Administration, who were not domiciled in that particular area at the time of the 1991 census, may choose to vote for either (a) local bodies of authority established according to Croatian laws, provided that they are currently living in the areas covered by these bodies, whether the territory of these bodies is wholly or partially within such areas; or (b) such local bodies of authorities formed under Croatian laws in the area of their 1991 residence.

In order to obtain a register of those Serbs who were not residents of the said area at the time of the 1991 census, and who are currently living in the territory under UNTAES control, registration shall be organized by the Croatian authorities and UNTAES. The Croatian authorities will issue the citizenship/identity documents (domovnica/osobna iskaznica) to these persons in sufficient time to enable them to participate in the elections.

4. The Serb ethnic community from the area under the Transitional Administration is guaranteed to be represented in the bodies of local government

and self-government pursuant to the rights and principles laid down in the Constitutional Law on the Rights of Ethnic Communities and National Minorities, and the Law on Local Government and Self-Government. It is hereby guaranteed that they will hold the post of Sub-Prefect in both counties. Proportional Serb representation, including at senior positions, in the local health services, police and judiciary in the area, now constituting the region under the Transitional Administration, is guaranteed regardless of what administrative divisions may be introduced in the future. For at least the first year following local elections, the number of local police from the Serb and other non-Croat ethnic communities shall be approximately 700 to 800.

The members of the Serb ethnic community from the area currently under the Transitional Administration shall appoint a Joint Council of Municipalities. The leadership of the Joint Council of Municipalities shall meet at least once every four months directly with the President of the Republic or with the chief of the Presidential cabinet.

5. Following the next census of the population of the inhabitants of the Republic of Croatia, the number of seats reserved at subsequent elections for members of the Serb and other national minorities in the House of Representatives of the Parliament of the Republic of Croatia shall reflect the proportion of their representation as determined by the census results.

6. With respect to representation in the House of Counties, the President of the Republic shall appoint, pursuant to the provisions of Article 71, paragraph 4, of the Constitution, two representatives from the Serb ethnic community as deputies in the House of Counties.

7. The representatives of the Serb ethnic community from the area under consideration will be appointed to senior posts in the Ministry of Reconstruction and Development and the Office for Displaced Persons and Refugees and at a level not lower than Assistant Minister ("pomoćnik ministra") in the Ministries of Interior, Justice, Education and Culture. In accordance with the laws and regulations of the Republic of Croatia, they will also be entitled to appropriate participation at the expert level in the working bodies of the Parliament of the Republic of Croatia.

8. The Government of Croatia, in accordance with existing Croatian laws and statutes and internationally accepted standards, hereby guarantees that the members of the Serb minority, and the members of other minorities within the area under the Transitional Administration, shall have full rights with respect to educational and cultural autonomy.

With respect to education, the members of the Serb minority, and the members of other minorities within the area under the Transitional Administration, shall be entitled to prepare and implement a curriculum that fosters cultural identity, history and heritage insofar as it does not prejudicially affect any right or privilege with respect to international educational standards and Croatian laws.

Within the cultural identity of the members of the Serb minority or any other member of other minorities within the above-mentioned area, they shall,

under the law, have full rights to preserve and foster individual cultural identity provided that it does not affect any right or privilege with respect to the rights of the Croatian members.

9. The members of the Serb ethnic community may establish a Council of the Serb Ethnic Community. The Council may apply to the President of the Republic and the Croatian Government, proposing and promoting the solution of issues of common interest for the national minority.

10. The Minister of Defence will enact a special decision for all the members of the Serb ethnic community from the area under the Transitional Administration on the deferment of military service for a period of two years from the end of the UNTAES mandate.

After the expiration of the two-year deferment period, applications for deferment of military service at the personal request of the members of the Serb ethnic community in the area under the Transitional Administration will be considered by the Ministry of Defence.

Exemptions specified above shall not limit in any way the relevant civic rights of those concerned, including the right to obtain a Croatian passport, which are guaranteed to all citizens of Croatia by the Constitution.

11. Members of the Serb and other ethnic communities from the area under the Transitional Administration who are war victims, particularly disabled, widows and children without parents, will have full health and social rights in accordance with the laws and regulations of the Republic of Croatia, except for the rights defined by the Law on the Rights of Croatian Defenders (Zakon o pravima hrvatskih branitelja).

12. The Government of the Republic of Croatia reaffirms in the present letter of intent its commitments deriving from and provisions of the Constitution of the Republic of Croatia, the Constitutional Law on Human Rights and Freedoms and the Rights of National and Ethnic Communities or Minorities in the Republic of Croatia, all other relevant laws, the Basic Agreement of 12 November 1995, Security Council resolution 1037 (1996), and the Affidavit of Employment signed by the representative of the Government of Croatia on 16 December 1996. Nothing in this letter of intent shall be construed as diminishing in any way the provisions of the aforementioned documents.

(Signed) Ivica KOSTOVIĆ
Deputy Prime Minister

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